S.B.CIVIL TRANSFER PETITION NO.34/2005

Smt. Jaishree Verma
vs.
Shashikant Verma

DATE OF ORDER ::: 10.4.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. BM Bhojak, for the petitioner.
None present for the respondent.

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Nobody appears for the respondent despite service.

Heard learned counsel for the petitioner.

The petitioner has moved this application for transfer of the Petition No.1/2002 filed under Sections 7 and 10 of the Guardian and Wards Act by the respondent and which is pending in the Court of District Judge, Sikar.

According to the petitioner, the marriage of the petitioner and respondent took place on 4.2.1995. Out of the said wedlock, a daughter was born on 19.12.1997. The petitioner alleges that she was turned out by the respondent on 24.5.2001. The petitioner submitted an application seeking custody of minor daughter under Section 97 read with Section 100 Cr.P.C. Upon which the custody of minor daughter was handed over to her.

Now the respondent submitted a petition under the Guardian and Wards Act for taking the custody of minor daughter in the Court of District Judge, Sikar whereas the petitioner has filed the divorce petition before that in the Court of District Judge, Churu on 22.11.2001 which is pending. According to the petitioner, on 2.9.2002 when the petitioner went to the Court of District Judge, Sikar, the respondent tried to beat her. She submitted that she is getting threat everyday from the respondent. It is also submitted that the petitioner has minor daughter and she cannot attend the Court at Sikar as she is residing at Churu.

In view of the facts stated above and not opposed by the respondent, this transfer petition is allowed, the Petition no.1/2002 (Shashikant vs. Smt. Jaishree) filed by the respondent pending in the District Court, Sikar is hereby withdrawn and is transferred to the District Court, Churu for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya